

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

JIMMY DAVIS

PLAINTIFF

v.

No. 4:06CV212-P-A

NORRISS MORRISS

DEFENDANT

THREE STRIKES ORDER

This matter is before the court, *sua sponte*, for consideration of dismissal. The pro se prisoner plaintiff, an inmate at the Mississippi State Penitentiary, has submitted a complaint which he wishes to file pursuant to 42 U.S.C. § 1983. The Prison Litigation Reform Act was enacted in April 1996. This Act provides, *inter alia*, at 28 U.S.C. § 1915(g)

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

On September 13, 2004, this court dismissed *Davis v. Mississippi State Penitentiary*, 4:04CV172-P-A, for failure to state a claim upon which relief could be granted. On December 28, 2005, *Davis v. Hall*, 4:05CV161-P-B, was dismissed by this court for failure to state a claim upon which relief could be granted. This court, on July 31, 2006, dismissed *Davis v. Latham*, 4:06CV86-P-A because the plaintiff forged the signature of the inmate accounts custodian on the *in forma pauperis* form submitted with his complaint in an effort to perpetrate a fraud upon the court. Therefore, the plaintiff has accumulated three strikes and has been an abuser of his *in forma pauperis* privileges. Consequently, it is hereby

ORDERED, that plaintiff's *in forma pauperis* status in this case is hereby **REVOKED**.

He shall have 30 days from the date of this order to pay the appropriate filing fee with the clerk of the court. Should he fail to pay the filing fee within the time allowed by this court, this action shall be dismissed.

SO ORDERED, this the 5th day of February, 2007.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE